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UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff.

v.

TRAN NHAT BAO NGUYEN,

Defendant.

Case No. CR21-138-RSL

ORDER GRANTING UNOPPOSED MOTION TO CONTINUE TRIAL DATE AND PRETRIAL MOTIONS DATES

This matter comes before the Court on defendant's "Unopposed Motion to Continue Trial and Pretrial Motions Dates." Dkt. # 16. Having considered the facts set forth in the motion, and defendant's knowing and voluntary waiver, Dkt. # 17, the Court finds as follows:

- 1. The Court adopts the facts set forth in the unopposed motion: specifically, that in mid-September, defense counsel received nearly 2,000 Bates stamped pages of discovery, that counsel needs more time to review these documents, discuss the documents with defendant, consider possible defenses, make potential discovery requests, and initiate an investigation to gather evidence. Dkt. # 16. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).
- 2. The Court finds that a failure to continue the trial date in this case would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

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- 3. The Court finds that the additional time requested between November 1, 2021, and February 28, 2022, is a reasonable period of delay, as defendant has requested more time to prepare for trial, to investigate the matter, to gather evidence material to the defense, and to consider possible defenses. The additional time requested between the current trial date and the new trial date is necessary to provide counsel for the defendant the reasonable time necessary to prepare for trial, considering all of the facts set forth above.
- The Court further finds that this continuance would serve the ends of justice, and that these factors outweigh the best interests of the public and defendant in a speedier trial, within the meaning of 18 U.S.C. § 3161(h)(7)(A).
- 5. Defendant has signed a waiver indicating that she has been advised of her right to a speedy trial and that, after consulting with counsel, she has knowingly and voluntarily waived that right and consented to the continuation of her trial to a date up to and including March 21, 2022, Dkt. # 17, which will permit her trial to start on February 28, 2022.

IT IS HEREBY ORDERED that the trial date shall be continued from November 1, 2021, to February 28, 2022, and pretrial motions are to be filed no later than January 24, 2022.

IT IS FURTHER ORDERED that the period of time from the current trial date of November 1, 2021, up to and including the new trial date, shall be excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, et seq. The period of delay attributable to this filing and granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

DATED this 30th day of September, 2021.

United States District Judge